

HB 589

These corrections to this law needs to be passed. I am a landlord in Helena. My personal experience with retaliation constitutes a legal nightmare and cost me \$27,000 and countless hours of grief and hard work, yet I did nothing wrong.

My testimony begins when a tenant kept her windows open during the winter. As landlord, I provide the heat, as required by law. After three verbal warnings to close her windows, and a 14 Day Notice to Correct or Vacate, the tenant filed a complaint, that I was discriminating against her right to practice her religion. Never had she notified me she needed to have an accommodation. She claimed she needed to "smudge", (to burn sage grass in an open bowl), while praying, to remove evil spirits from her apartment. She lived in a non-smoking apartment. She was not burning sage grass, but instead, using illegal marijuana and smoking in her apartment. Human Right Bureau told me if I took any action against her, or reported her to police, I would be guilty of retaliation.

To settle her complaint, I agreed to mediate a settlement, that included letting her out of her lease and to pay her a bonus, if she'd move within a month. She wanted the bonus payment, so she moved by the end of the month. I paid her bonus of \$500, but withheld her \$500 deposit, against a bill for cleaning and damages of over \$1300. Contrary to the provisions in the mediation settlement, she then filed multiple other complaints. All were eventually dismissed, as being without merit or outright lies. This process took over two years to resolve, because she had trouble finding a lawyer who would represent her. The Legal Services attorney that handled the mediation for her, refused to advance her subsequent complaints, as they were in violation of the mediation settlement agreement and the vandalism to her apartment occurred after the required pre-move out inspection had been conducted.

The Human Rights Bureau judge that heard the case, decided that retaliation occurred, because her deposit was withheld within 6 months after she filed her complaint, the very complaint that he found to be bogus. I was not allowed to sue for damages, because that would also be viewed as retaliation. Instead, I was ordered to pay her \$500 back, give her another \$500 for depriving her of use of her security deposit and pay her \$4500 in pain and suffering. My attorney said this was the worst decision he had seen in his entire legal career. Next came the legal fees, which her attorney billed as \$25,000, in addition to my attorney's \$14,000 bill. To appeal, it would cost me another \$50,000 to take it to District Court and \$100,000 to eventually go to the Supreme Court. I could not afford to spend another \$150,000 to prove a point, with no means of collecting my money back, from the woman that filed the complaint in the beginning. The attorney fees were negotiated down, and it cost me about \$27,000! I believe this judge made critical errors. Once he determined there was no discrimination, he should have allowed the case to be heard by the District Court. My attorney made blunders also.

I am a good landlord and I do not discriminate. I followed the Landlord/Tenant law and provided an accounting of the cleaning and damage deductions from the security deposit, within the 30 day time frame, of 70-25-202 MCA. For this, I was found guilty of retaliation, under the 6 month time frame of 70-24-431. This was clearly a case of conflicting deadlines. I urge you to support this bill.

Respectfully submitted,
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